



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 9

MICHAEL M. MURRAY
MORGAN & FINNEGAN
345 Park Avenue
New York, New York 10154

MAILED

JUL 22 2003

Technology Center 2600

In re application of:

Taeko Tanaka	:	DECISION ON PETITION
Application No. 09/256,411	:	TO EXPUNGE
Filed: February 24, 1999	:	
For: IMAGING SENSING METHOD, IMAGE	:	
SENSING APPARATUS, LENS CONTROL	:	
METHOD THEREFOR, AND STORAGE MEDIUM	:	
	:	

This is a decision on the petition under 37 C.F.R. § 1.59(b) and M.P.E.P. § 724.05 (III), filed by facsimile on July 10, 2003 requesting that a document submitted in an incorrect application be expunged.

A grantable petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure), filed under 37 C.F.R. § 1.59(b) and in accordance with M.P.E.P. § 724.05 (II and III), may be granted provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on behalf of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Commissioner that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee set forth in 37 C.F.R. § 1.17(i) is included.

While the petition states that a check in the amount of \$ 130 was provided; the petition was filed by facsimile and the check in the amount of \$130 has not yet been received. Therefore, the necessary fee in the amount of \$ 130 has been charged to applicant's Deposit Account 13-4503 as authorized in the petition.

While applicant has met the requirements set forth above, the Japanese Application No. 2002-104484 cannot be found in the instant application file.

Accordingly, the petition is **DISMISSED AS MOOT.**

If Japanese Application No. 2202-104484 is matched to the instant application after the mailing date of this decision, applicant may submit a renewed request to have it expunged.

Allen MacDonald

Allen MacDonald, Director
Technology Center 2600
Communications